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180 South Clinton Avenue
Rochester, NY 14611-1001
Tel: 546-1821 Fax: 546-1822

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June 24, 1998

BY OVERNIGHT MAIL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**Re: CC Docket No. 96-115
Petition for Reconsideration**

Dear Ms. Salas:

Enclosed for filing please find an original plus eleven (11) copies of the Response to Petitions for Reconsideration filed on behalf of Frontier Corporation in the above-docketed proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

Very truly yours,

Michael J. Shortley, III/mj

Michael J. Shortley, III

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JUN 25 1998

FCC 98-27

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the)	
Telecommunications Act of 1996)	
)	
Telecommunications Carriers' Use)	CC Docket No. 96-115
of Customer Proprietary Network)	
Information and Other Customer)	
Information)	
)	
Implementation of the)	CC Docket No. 96-149
Non-Accounting Safeguards of)	
Sections 271 and 272 of the)	
Communications Act of 1934,)	
as Amended)	

**RESPONSE OF FRONTIER
CORPORATION TO PETITIONS
FOR RECONSIDERATION**

Introduction

Twenty-five parties, including Frontier Corporation ("Frontier"), have sought reconsideration of the Commission's Second Report and Order¹ in this proceeding. Not one of the petitioners contends that the Commission did not go far enough in protecting consumers' privacy interests. Indeed, the common theme presented in the petitions is that the Commission's rules disserve consumers and carriers alike by thwarting

¹ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket 96-115, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-27 (Feb. 26, 1998) ("Second Report")

legitimate consumer expectations and imposing enormous unnecessary costs upon carriers. As set forth in its own petition for reconsideration, Frontier shares these views.

In this response, Frontier will briefly address three issues: (1) the electronic audit trail that the Commission has required; (2) the use of CPNI in "win-back" situations; and (3) the use of CPNI to market CPE and information services.

Argument

I. THE COMMISSION SHOULD ELIMINATE ITS ELECTRONIC AUDIT TRAIL REQUIREMENTS.

As Frontier demonstrated in its petition,² the Commission's electronic audit trail requirement is unnecessary and expensive. Other petitioners forcefully concur. On the basis of the petitions, the Commission should rescind this requirement.

First, compliance with the requirement would be extremely expensive. Frontier estimates that it would cost it approximately \$2 million per system for its billing systems only³ to comply with the Commission's requirements.⁴ Cost estimates submitted by other petitioners range in the tens of millions of dollars,⁵ to the hundreds of millions of dollars⁶ up to one billion dollars.⁷ The Commission may have not fully understood the

² Frontier at 3-5

³ This says nothing of the multitude of other systems that Frontier maintains. Frontier is in the process of determining the costs of upgrading these systems so that they are CPNI-compliant. Undoubtedly, these costs will range in at least the tens of millions of dollars.

⁴ Frontier is in the process of consolidating its billing systems onto a handful of systems. Frontier expects to complete this process before the expiration of the Commission's eight-month window before the Commission initiates enforcement of its regulation. However, as a result of the complexity of this task, Frontier intends soon to file a petition for waiver as it relates to those systems that Frontier is phasing out.

⁵ Sprint at 3.

⁶ AT&T at 11.

⁷ MCI at 38.

magnitude of the task it presented carriers when it adopted these rules. Based upon what it has received, the Commission should reconsider and rescind its electronic audit requirements.

Second, in contrast to the enormous costs that the Commission's requirements would impose, the benefits appear to be rather scanty. As several petitioners demonstrate,⁸ the benefits that the Commission perceives are premised upon an assumption that carrier sales and marketing personnel will be inclined to cheat. Whatever the merits of this dubious assumption (with which Frontier strongly disagrees), its justification for the Commission's rules cannot withstand scrutiny. Personnel intent upon cheating will do so in any event. These same personnel will -- under the Commission's rules -- be required to log their reasons for access to CPNI. If the access is improper, surely the offender will not electronically provide a truthful response. The deterrence benefit the Commission envisions simply does not exist.

Third, far more effective and cost-efficient alternatives exist. Training and discipline are effective deterrents to abuse.⁹ The Commission may also require carriers to perform random compliance audits. The Commission's rules currently require carriers to certify their compliance. Random audits will add force to this certification. These tools alone are sufficient for the Commission to assure itself that carriers are

⁸ AT&T at 11-12; Bell South at 22.

⁹ Frontier at 5

complying with its CPNI rules. Its intrusive and expensive electronic audit requirements should be rescinded.¹⁰

II. THE COMMISSION SHOULD PERMIT THE USE OF CPNI IN WIN-BACK EFFORTS.

Petitioners uniformly request that the Commission revoke its rule prohibiting the use of CPNI to win-back customers.¹¹ However, MCI requests that Commission both narrow its rule to apply it only to ILECs and broaden the rule to cover additional information other than CPNI.¹² Although Frontier agrees that the use of CPNI by ILECs removes special concerns, MCI's proposal goes too far. MCI would bar ILECs from using virtually any information for win-back purposes. Such a blanket prohibition is unnecessary.

Frontier's suggested approach -- forbidding ILECs from using information obtained as a result of a carrier-to-carrier relationships¹³ -- adequately addresses MCI's concerns. It would prevent ILECs from using commercially sensitive information -- the identity of the customer's new local carrier, for example -- to retain that customer. At the same time, it would permit ILECs to utilize their own CPNI, but not that of another carrier, to compete for the customer's business. Frontier believes that this constitutes an equitable result.

¹⁰ As Frontier noted in its petition, the Commission should be loathe to require carriers to divert its efforts from Year 2000 compliance efforts (Frontier at 5 n.12). The Commission's own Year 2000 inquiry underscores this point.

¹¹ See, e.g., AT&T at 2-4; Bell Atlantic at 16-17.

¹² MCI at 48-52.

¹³ See Frontier at 9-10.

III. THE COMMISSION SHOULD MODIFY ITS RULES TO PERMIT THE USE OF CPNI TO MARKET CPE AND INFORMATION SERVICES.

Numerous parties have requested that the Commission modify its rules to permit the use of CPNI to market CPE and information services.¹⁴ Frontier's initial petition requested more narrowly-focused relief -- limited to the use of CPNI to market wireless CPE by wireless carriers.¹⁵ Frontier, however, supports the more broadly-focused petitions. As petitioners demonstrated, section 222 does not compel the result that the Commission reached.¹⁶ Petitioners also demonstrated that customers expect carriers to market an integrated package of services to them that may include out-of-bucket elements.¹⁷ On both of these grounds, the Commission should modify this rule to permit the use of CPNI to market CPE and information services.

¹⁴ See, e.g., Bell Atlantic at 5-11; SBC at 2-5; PCIA at 7-9.

¹⁵ Frontier at 10-11.

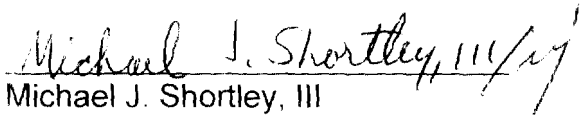
¹⁶ See, e.g., Bell Atlantic at 3-4.

¹⁷ See, e.g., Ameritech at 3-6.

Conclusion

For the foregoing reasons, the Commission should act upon the petitions for reconsideration in the manner suggested herein and in Frontier's petition for reconsideration.

Respectfully submitted,


Michael J. Shortley, III

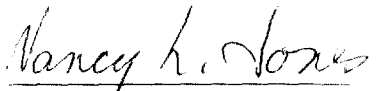
Attorney for Frontier Corporation

180 South Clinton Avenue
Rochester, New York 14646
(716) 777-1028

June 24, 1998

Certificate of Service

I hereby certify that, on this 24th day of June, 1998, copies of the foregoing Response to Petitions for Reconsideration were served by first-class mail, postage prepaid, upon the parties on the attached service list.


Nancy L. Jones

MARK J GOLDEN
VICE PRESIDENT OF INDUSTRY AFFAIRS
PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
500 MONTGOMERY STREET
SUITE 700
ALEXANDRIA VA 22314-1561

JONATHAN E CANIS
REED SMITH SHAW & MCCLAY
1301 K STREET NW
SUITE 1100 EAST TOWER
WASHINGTON DC 20005

GTE SERVICE CORPORATION
GAIL L POLIVY
1850 M STREET NW
WASHINGTON DC 20036

GTE SERVICE CORPORATION
RICHARD MCKENNA
600 HIDDEN RIDGE
IRVING TEXAS 75015

CABLE & WIRELESS INC
ANN P MORTON
8219 LEESBURG PIKE
FALLS CHURCH VIRGINIA 22182

TELEPORT COMMUNICATIONS GROUP INC
TERESA MARRERO
SENIOR REGULATORY COUNSEL
ONE TELEPORT DRIVE SUITE 300
STATEN ISLAND NY 10310

SPRINT CORPORATION
JAY C KEITHLEY
LEON M KESTENBAUM
MICHAEL B FINGERHUT
1850 M STREET NW 11TH FLOOR
WASHINGTON DC 20036

SBC COMMUNICATIONS
ROBERT M. LYNCH
MICHAEL J. ZPEVAK
ROBERT J. GRYZMALA
ONE BELL CENTER, ROOM 3532
ST. LOUIS, MISSOURI 63101

EXCEL TELECOMMUNICATIONS INC
J CHRISTOPHER DANCE
VICE PRESIDENT LEGAL AFFAIRS
KERRY TASSOPOULOS
DIRECTOR OF GOVERNMENT AFFAIRS
9330 LBJ FREEWAY
ITE 1220
DALLAS TEXAS 75243

THOMAS K CROWE
LAW OFFICES OF THOMAS K CROWE P.C.
COUNSEL FOR
EXCEL TELECOMMUNICATIONS INC
2300 M STREET NW
SUITE 800
WASHINGTON DC 20037

BRADLEY STILLMAN
COUNSEL FOR
CONSUMER FEDERATION OF AMERICA
1424 16TH ST NW SUITE 604
WASHINGTON DC 20036

CATHERINE R SLOAN
WORLDCOM INC
d/b/a LDDS WORLDCOM
1120 CONNECTICUT AVE NW
SUITE 400
WASHINGTON DC 20036

CHARLES C HUNTER
HUNTER & MOW PC
COUNSEL FOR TELECOMMUNICATIONS
RESELLERS ASSOCIATION
1620 I ST NW STE 701
WASHINGTON DC 20006

PETER ARTH, JR.
MARY MAC ADU
PEOPLE OF THE STATE OF CALIFORNIA AND
THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA
505 VAN NESS AVE
SAN FRANCISCO CA 94102

RANDOLPH J MAY
SUTHERLAND ASBILL & BRENNAN
COUNSEL FOR COMPUSERVE INC
1505 PENNSYLVANIA AVE NW
WASHINGTON DC 20004-2404

INTELCOM GROUP (USA) INC
CINDY Z SCHONHAUT
VICE PRESIDENT GOVERNMENT AFFAIRS
9605 EAST MAROON CIRCLE
ENGLEWOOD CO 80112

THE BELL ATLANTIC TELEPHONE
COMPANIES
LAWRENCE W KATZ
1320 NORTH COURT HOUSE ROAD
EIGHTH FLOOR
ARLINGTON VA 22201

AMERITECH
MICHAEL S PABIAN
2000 WEST AMERITECH CENTER DRIVE
RM 4H82
HOFFMAN ESTATES IL 60196

BELLSOUTH CORPORATION
M ROBERT SUTHERLAND
A KIRVEN GILBERT III
SUITE 1700
1155 PEACHTREE STREET NE
ATLANTA GA 30309-3610

AMERICAN PUBLIC COMMUNICATIONS
COUNCIL
ALBERT H KRAMER
ROBERT F ALDRICH
DICKSTEIN SHAPIRO & MORIN LLP
2101 L STREET NW
WASHINGTON DC 20554

ALBERT HALPRIN
HALPRIN TEMPLE GOODMAN & SUGRUE
COUNSEL FOR YELLOW PAGES PUBLISHERS
ASSOC
9 NEW YORK AVE NW STE 650E
WASHINGTON DC 20005

KATHYRN MARIE KRAUSE
U S WEST INC
1020 19TH ST NW STE 700
WASHINGTON DC 20036

DANNY E ADAMS
KELLEY DRYE & WARREN LLP
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

MARK C ROSENBLUM
AT&T CORP
295 NORTH MAPLE AVE RM 324511
BASKING RIDGE NJ 07920

GLEN S RABIN
FEDERAL REGULATORY COUNSEL
ALLTEL TELEPHONE SERVICES
CORPORATION
655 15TH ST NW STE 200
WASHINGTON DC 20005

JUDITH ST LEDGER-ROTY
REED SMITH SHAW & MCCLAY
1301 K ST NW STE 1100 EAST TOWER
WASHINGTON DC 20005-3317

DENNIS C BROWN
BROWN AND SCHWANINGER
SMALL BUSINESS IN TELECOMMUNICATIONS
1835 K STREET NW STE 650
WASHINGTON DC 20006

CARL W NORTHROP
PAUL HASTINGS JANOFSKY & WALKER
COUNSEL FOR ARCH COMMUNICATIONS
GROUP
1299 PENNSYLVANIA AVE NW 10TH FL
WASHINGTON DC 20004-2400

MARY MCDERMOTT
UNITED STATES TELEPHONE ASSOCIATION
1401 H ST NW STE 600
WASHINGTON DC 20005

ANDREW D LIPMAN
SWIDLER & BERLIN
COUNSEL FOR MFS COMMUNICATIONS CO
3000 K ST NW STE 300
WASHINGTON DC 20007

INC
1201 20TH STREET
GROUND FLOOR
WASHINGTON, DC 20036

JANICE MYLES
FEDERAL COMMUNICATIONS COMMISSION
COMMON CARRIER BUREAU
1919 M STREET RM 544
WASHINGTON DC 20544

IRWIN A POPOWSKY
CONSUMER ADVOCATE
OFFICE OF ATTORNEY GENERAL
1425 STRAWBERRY SQUARE
HARRISBURG PA 17120

ANTHONY J GENOVESI
LEGISLATIVE OFFICE BLDG
ROOM 456
ALBANY NY 12248-0001

CHARLES H HELEIN
GENERAL COUNSEL
HELEIN & ASSOCIATES
COUNSEL FOR AMERICAS
TELECOMMUNICATIONS ASSOC
8180 GREENSBORO DR STE 700
MCCLEAN VA 22102

KENNETH RUST
DIRECTOR
NYNEX GOVERNMENT AFFAIRS
1300 I ST STE 400 W
WASHINGTON DC 20005

SAUL FISHER
NYNEX TELEPHONE COMPANIES
1095 AVENUE OF THE AMERICAS
NEW YORK NY 10036

THEODORE CASE WHITEHOUSE
WILLKIE FARR & GALLAGHER
COUNSEL FOR ASSOCIATION OF DIRECTORY
PUBLISHERS
1155 21ST ST NW
WASHINGTON DC 20036

DAVID L MEIER
DIRECTOR
CINCINNATI BELL TELEPHONE
201 E FOURTH ST
CINCINNATI OH 45201-2301

DAVID A GROSS
AIRTOUCH COMMUNICATIONS INC
1818 N STREET NW STE 800
WASHINGTON DC 20036

INFORMATION TECHNOLOGY ASSOCIATION
OF AMERICA
JOSEPH P MARKOSKI
MARC BEREJKA
SQUIRE SANDERS & DEMPSEY
1201 PENNSYLVANIA AVENUE NW
P O BOX 407
WASHINGTON DC 20044

MCI TELECOMMUNICATIONS CORPORATION
FRANK W KROGH
DONALD J ELARDO
1801 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

ELIZABETH H MCJIMSEY
ATTORNEY FOR SPRINT SPECTRUM LP
d/b/a SPRINT PCS
4900 MAIN ST 12TH FLOOR
KANSAS CITY MO 64112

PHILIP L MALET
JAMES M TALENS
STEPTOE & JOHNSON LLP
COUNSEL FOR IRIDIUM NORTH AMERICA
1330 CONNECTICUT AVE NW
WASHINGTON DC 20036

DANNY E ADAMS
STEVEN A AUGUSTINO
KELLEY DRYE & WARREN LLP
COUNSEL FOR ALARM INDUSTRY
COMMUNICATIONS COMMITTEE
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

JONATHAN E CANIS
KELLEY DRYE & WARREN LLP
COUNSEL FOR INTERMEDIA
COMMUNICATIONS INC
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

MICHAEL F ALTSCHUL
VICE PRESIDENT GENERAL COUNSEL
CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION
1250 CONNECTICUT AVE NW STE 200
WASHINGTON DC 20036